

Issuance Date: ?

Effective Date: ?

Expiration Date: ?

STATE WASTE DISCHARGE PERMIT NUMBER ST 5322

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
Spokane, Washington 99205-1295

In compliance with the provisions of the  
State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington, as amended,  
authorizes

McCain Foods USA, Inc.

100 Lee Street

Othello, WA 99344

to discharge wastewater in accordance with the special and general conditions which follow.

Facility Location: 100 Lee Street, Othello

Discharge Location: Approximately 9300 acres:  
Sec. 5, 6, T.15N, R.31E; Sec. 6, 7, 8,15,17,18,  
19,20,21,22,29,30,32, T. 16N, R. 31E; Sec.  
12,14,23,24,25,26,27,34, T. 16N, R. 30E.

Industry Type: Potato processing

Latitude: 46° 50' 26" N  
Longitude: 119° 10' 33" W.

SIC Code: 2037

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Water Quality Section Manager  
Eastern Regional Office  
Washington State Department of Ecology

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**SUMMARY OF PERMIT REPORT SUBMITTALS**

Refer to the Special and General Conditions of this permit for additional submittal requirements:

<b>Permit Section</b>	<b>Submittal</b>	<b>Frequency</b>	<b>First Submittal Date</b>
S3.A.	Discharge Monitoring Report	Monthly	***** 15, 2006
S5.A.	Operations and Maintenance Manual - Update	As needed	
S5.E.	Leak Detection Plan – Storage Pond	1/permit cycle	August 1, 2007
S5.F.	Sprayfield Flow Monitoring – Repair Notification	1/permit cycle	March 1, 2007
S5.G.	Backflow Prevention – Install Notification	1/permit cycle	April 1, 2007
S6.C.	Solid Waste Control Plan Update	1/permit cycle	With Permit Application
S7.	Spill Plan - Update	1/permit cycle	With Permit Application
S8.	Irrigation and Crop Management Plan	Annual	April 1, 2007
G7.	Application for permit renewal	1/permit cycle	<b>DATE</b>

## **SPECIAL CONDITIONS**

### **S1. DISCHARGE LIMITATIONS**

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date and lasting through the expiration date of this permit, the Permittee is authorized to apply process wastewater to land via spray irrigation not to exceed the agronomic rates for nitrogen and water, and at rates for other wastewater constituents that are protective of the background ground water quality.

The Permittee is authorized to apply wastewater for final treatment on the following designated irrigation lands. Sprayfield acreage that does not have a water supply to provide adequate supplemental irrigation water to meet the water requirements of the crop and the dilution requirements described in Section S5.C shall not be used.

Approximately 5512 acres located approximately ten miles east of the city of Othello (Adams County) in the vicinity of the irrigation/storage pond: Section 5,6, T. 15N, R31E; Section 15, 17, 18, 19, 20, 21, 29, 30, 32, T. 16N, R. 31E; Section 23, 24, 25, 26,27, 34, T. 16N, R. 30E.

After the submittal and approval by the Department of Ecology (the Department) of the engineering design and specifications, and the acquisition of a water supply to provide adequate supplemental irrigation water to meet the water requirements of the crop and the dilution requirements described in Section S5.C, the Permittee is authorized to apply wastewater for final treatment on the following designated irrigation lands.

Approx 3680 acres located approximately ten miles east of the city of Othello (Adams County) in the vicinity of the irrigation/storage pond; Section 12, 14, 25, 26, T. 16N, R. 30E; Section 6, 7, 8, 18, 19, 22, 30, T. 16N, R. 31E.

The sprayfields must be operated by the Permittee so as to protect the existing and future beneficial uses of the ground water and not cause a violation of the ground water standards (WAC 173-200).

## S2. MONITORING REQUIREMENTS

### A. Pretreated Wastewater Monitoring

The Permittee shall monitor the wastewater that is discharged from the pretreatment facility to the sprayfield/storage pond according schedule.

Parameter	Units	Sampling Frequency	Sample Type
Flow (monthly total, average, maximum)	MG, MGD	Continuous <sup>1</sup>	metered
<sup>1</sup> Continuous means uninterrupted except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance. Sampling shall be taken hourly when continuous monitoring is not possible			

### B. Irrigated Wastewater Monitoring

The sampling point for the treated wastewater will be from the conveyance pipeline to the spray irrigation site prior to any fresh water mixing according to the following schedule. Sampling is only required during the months of spray irrigation.

The Permittee shall monitor the wastewater according to the following schedule:

Parameter	Units	Sampling Frequency	Sample Type
Flow <sup>1</sup>	MGD, mix ratio	1/ month	metered
pH	s.u.	1/ month	Grab
BOD <sub>5</sub>	mg/L	1/ month	Grab
Total dissolved solids <sup>2</sup>	mg/L	1/ month	Grab
Fixed dissolved solids <sup>3</sup>	mg/L	1/ month	Grab
Volatile dissolved solids <sup>3</sup>	mg/L	1/ month	Calculated
Conductivity	mmhos/cm	1/ month	Grab
TKN (as N)	mg/L	1/ month	Grab
Sodium	mg/L	2/ year <sup>4</sup>	Grab
Calcium	mg/L	2/ year <sup>4</sup>	Grab
Magnesium	mg/L	2/ year <sup>4</sup>	Grab

<b>Parameter</b>	<b>Units</b>	<b>Sampling Frequency</b>	<b>Sample Type</b>
Potassium	mg/L	2/ year <sup>4</sup>	Grab
Chloride	mg/L	2/ year <sup>4</sup>	Grab
Sulfate	mg/L	2/ year <sup>4</sup>	Grab
Bicarbonate	mg/L	2/ year <sup>4</sup>	Grab
<sup>1</sup> Flows to each sprayfield, process water use, and mix ratios shall be reported as part of the water budget analysis in the annual Irrigation and Crop Plan; Section S8. <sup>2</sup> TDS analysis as per Standard Methods, 20 <sup>th</sup> Edition, Method 2540 C. <sup>3</sup> Fixed and volatile solids as per Standard Methods, 20 <sup>th</sup> Edition, Method 2540 E. <sup>4</sup> 2/ year means: April and August.			

C. Supplemental Water Monitoring

The sampling point for the supplemental irrigation water shall be from one well representing each of the following source-name wells: McKay; Lyle; Kent; Frank; East Low Canal.

The results of the testing shall be reported in the annual Irrigation and Crop Plan.

<b>Parameter</b>	<b>Units</b>	<b>Sampling Frequency</b>	<b>Sample Type</b>
TKN (as N)	mg/L	1/ year	Grab
Total dissolved solids	mg/L	1/ year	Grab
Conductivity	mmhos/cm	1/ year	Grab

D. Crop Monitoring

The Permittee shall perform monitoring of the grain/grass-type of crops (alfalfa; wheat; mint, etc.) for each crop grown, at least once per harvest. Composite samples will be comprised of samples collected from all fields relative to the crop type once per harvest. Composite samples will be comprised of at least ten (10) random samples.

Results of the crop analysis shall be reported with the annual Irrigation and Crop Plan.

Parameter	Units
Crop production	Dry tons/ acre
Moisture content	%
Total Nitrogen <sup>1</sup>	mg/Kg (dry wt)
Total phosphorus (as P)	mg/Kg (dry wt)
Ash weight	mg/Kg (dry wt)
<sup>1</sup> TN = TKN + NO <sub>3</sub>	

E. Soil Monitoring

The Permittee shall perform soil monitoring on fields that represent one-third of the total land application site at least once per year. The sampling sites shall be located so as to be representative of each irrigation site or as represented in the crop management plan. Sampling sites shall remain in the same vicinity from year to year. Testing at each sampling site shall be done on one foot soil increments. Results shall be submitted with the annual Irrigation and Crop Management Plan.

Composite samples will be for varied depths [0-12"; 12-24"; 24-36"; 36-48"; 48-60"; 60-72"(or until auger refusal)] depending on the parameter and will be from a minimum of four (4) cores from each field. Samples will be collected at a time that best represents soil conditions at the end of the crop growing season.

The Permittee shall monitor the soils in the center pivot sprayfields according to the following schedule:

Parameter	Units	Sample Point	Depth Increments <sup>1</sup>
Exchangeable sodium percentage	%	Each field	1,2
Cation exchange capacity	meq/100g	Each field	1,2
Organic matter	%	Each field	1,2
TKN (as N)	mg/Kg	Each field	1,2,6
NO <sub>3</sub> (as N)	mg/Kg	Each field	1,2,6
NH <sub>3</sub> (as N)	mg/Kg	Each field	1,2,6
Total-P (as P)	mg/Kg	Each field	1,2,6
Conductivity	mmhos/cm	Each field	1,2,6
Sodium	meq/100g	Each field	1,2,6



Parameter	Units	Sample Point	Depth Increments <sup>1</sup>
Calcium	meq/100g	Each field	1,2,6
Magnesium	meq/100g	Each field	1,2,6
Potassium	mg/Kg, meq/100g	Each field	1,2,6
Sulfate (as S)	mg/Kg	Each field	1,2,6
pH	s.u.	Each field	1,2,6
<sup>1</sup> Depth (inches) vs. Depth increment (ft.) for composite samples: 0 -12"           1 12-24"          2 24-36"          3 36-48"          4 48-60"          5 60-72"          6			

F. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Ground water sampling shall conform to the latest protocols in the *Implementation Guidance for the Ground Water Quality Standards*, (Ecology 1996).

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

G. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of

device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

H. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, conductivity, pH, and internal process control parameters are exempt from this requirement.

Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited.

Crops and soils testing have not been included in the accreditation program. Crop and soil data shall be provided by a reputable agricultural test lab that is an active participant in a nationally recognized agricultural laboratory proficiency testing program.

**S3. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during the previous month shall be summarized and reported on a form provided, or otherwise approved, by the Department, and be received no later than the 15th day of the month following the completed reporting period, unless otherwise specified in this permit. The report shall be sent to:

Department of Ecology  
Water Quality Permit Coordinator  
4601 N. Monroe St.  
Spokane, WA 99205-1295

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge or the facility was not operating during a given monitoring period, submit the form as required with the words "No Discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance

records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;
2. Repeat sampling and analysis of any violation and submit the results to the Department within 30 days after becoming aware of the violation;
3. Immediately notify the Department of the failure to comply; and
4. Submit a detailed written report to the Department within thirty days, unless requested earlier by the Department, describing the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Maintaining a Copy of This Permit

A copy of this permit shall be kept at the facility and be made available upon request to Ecology inspectors.

#### **S4. FACILITY LOADING**

##### Design Criteria

Flows from the processing facility shall not be exceeded:

Average flow for the maximum month: 4.75 MGD

Maximum daily flow: 5.0 MGD

The design storage volume of the wastewater storage pond (418 MG) shall not be exceeded

#### **S5. OPERATION AND MAINTENANCE**

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

##### **A. Operations and Maintenance Manual**

The O&M Manual shall be reviewed by the Permittee at least annually. All manual changes or updates shall be submitted to the Department whenever they are incorporated into the manual. The approved operation and maintenance manual shall be kept available at the permitted facility.

The operation and maintenance manual shall contain the treatment plant process control monitoring schedule. All operators shall follow the instructions and procedures of this manual.

##### **B. Bypass Procedures**

The Permittee shall immediately notify the Department of any spill, overflow, or bypass from any portion of the treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. *Unavoidable Bypass* -- Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit the Permittee shall notify the Department in accordance with condition S3.E "Noncompliance Notification."

2. *Anticipated Bypass That Has The Potential to Violate Permit Limits or Conditions* -- Bypass is authorized by an administrative order issued by the Department. The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Department will consider the following prior to issuing an administrative order:
  - a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.
  - b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
  - c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

3. *Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions* -- Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, or adversely impact public health as determined by the Department prior to the bypass.

C. Irrigation Land Application

1. There shall be no runoff of wastewater applied to land by spray irrigation to any surface waters of the state or to any land not owned by or under control of the Permittee.
2. The Permittee shall use recognized good practices, and all available and reasonable procedures to control odors from the land application system. When notified by the Department, the Permittee shall implement measures to reduce odors to a reasonable minimum.
3. The wastewater shall not be applied to the irrigation lands in quantities that:

- a. Significantly reduce or destroy the long-term infiltration rate of the soil.
  - b. Would cause long-term anaerobic conditions in the soil.
  - c. Would cause ponding of wastewater and produce objectionable odors or support insects or vectors.
  - d. Would cause leaching losses of constituents of concern beyond the treatment zone or in excess of the approved design. Constituents of concern are constituents in the wastewater, partial decomposition products, or soil constituents that would alter ground water quality in amounts that would affect current and future beneficial uses.
4. The Permittee shall maintain all irrigation agreements for lands not owned for the duration of the permit cycle. Any reduction in irrigation lands by termination of any irrigation agreements may result in permit modification or revocation. The Permittee shall immediately inform the Department in writing of any proposed changes to existing agreements.
  5. The wastewater that is applied to all fields shall be mixed with supplemental water not to exceed a ratio of 60 percent wastewater and 40 percent supplemental water.

The wastewater/supplemental mix ratio shall be reduced if, or when, offensive odors are generated to the extent that they unreasonably interfere with any other property owner's use and enjoyment of their property, as provided in WAC 173-400-040(4). A minimum average wastewater content of 25 percent wastewater and 75 percent supplemental water shall be considered satisfactory to meet the definition of "recognized good practices" for odor control.

**D. Best Management Practices\Pollution Prevention Program**

1. A viable and healthy cover crop shall be maintained on all fields that receive wastewater.
2. Use supplemental water or precipitation to meet the leaching requirement to control soil salinity.
3. Adjust irrigation plans during high precipitation events to minimize percolate losses.

E. Leak Detection Plan – Storage Pond

No later than August 1, 2007, the Permittee shall submit to Ecology for review and acceptance a leak detection plan that can monitor the structural integrity of the liner in both wastewater storage ponds and the protection of the ground water from leakage.

F. Sprayfield Flow Monitoring System

No later than March 1, 2007, the Permittee shall submit to Ecology a plan that describes what steps will be taken to repair the flow monitoring system for the sprayfields that provides continuous accurate flow data. The plan shall include a timeline for the repairs.

G. Backflow Prevention

No later than March 1, 2007, the Permittee shall install a backflow device on the east pipe branch at well No. 17W. The Permittee shall notify Ecology, in writing, no later than April 1, 2007 that the backflow device has been installed.

**S6. SOLID WASTE DISPOSAL**

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit all proposed revisions or modifications to the solid waste control plan to the Department. The Permittee shall comply with any plan modifications. The Permittee shall submit an update of the solid waste control plan with the application for permit renewal.

**S7. SPILL PLAN**

The Permittee shall review the plan at least annually and update the Spill Plan as needed. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

The Permittee shall submit an update of the spill plan with the application for permit renewal.

**S8. IRRIGATION AND CROP MANAGEMENT PLAN**

An Irrigation and Crop Management Plan shall be submitted annually by April 1<sup>st</sup> for Department review and comment. The plan shall generally conform with *Guidelines for Preparation of Engineering Reports for Industrial Wastewater Land Application Systems*, Ecology 1993. The plan must be prepared by a soil scientist. The plan shall include the following elements:

**A. Annual Summary of Farm Operations for Previous Year**

This summary shall include:

1. For each crop grown, the total acreage and quantity harvested.
2. Calculated balances for nitrogen, salts, or other design limiting parameters for each field. The calculations shall include:
  - a. Crop consumptive use;
  - b. Contributions from the process wastewater, supplemental water, and commercial fertilizers.

For crops that are not grain/grass-like (e.g., non-forage crops) and have a large amount of vegetative growth (e.g., corn, potatoes), the use of literature values for nutrient uptake is acceptable. Otherwise, crop monitoring results shall be used in the balance determinations.

The nitrogen and salt load contributed by the supplemental water shall be based on the average concentration of the parameters from the wells listed in Section S2.C

3. The total nitrogen loads to each field shall be compared to the estimated values presented in the previous year's Irrigation and Crop Plan.
4. A calculated water balance for each field. The calculations shall include:
  - a. Irrigation system efficiency and application uniformity



- b. The quantity of supplemental irrigation water and process wastewater applied
- c. Crop consumptive use

The hydraulic load to each field shall be compared to the estimated values that were presented in the previous year's Irrigation and Crop Plan.

The leaching fraction for each field shall be compared to the estimated leaching requirement that is required to control soil salinity.

- 5. Soil and crop testing results. A summary of the soil and crop testing results shall be submitted and discussed as part of the annual Irrigation and Crop Plan.
  - a. The discussion shall include a soil nutrient trend analysis for each sample site that is based on at least three years of data; the current year and the two previous years.

**B. Cropping Schedule for Upcoming Year**

This schedule shall include:

- 1. Crop Management. The proposed acreage for each crop, cultivation and harvesting requirements, expected crop yields, and methods for establishing a crop.
  - a. Estimates will be made for the water, nitrogen, and salt loading for each field based on the proposed crop rotation, and the soil trend analysis.
- 2. Irrigation Management. Develop a water budget for each field based on the proposed crop that includes loads from wastewater, supplemental water, and precipitation. The frequency and timing of wastewater and supplemental irrigation water application (including harvest and non-harvest periods), and recommended rest cycles for wastewater application where organic or hydraulic loading is a concern.
  - a. The discussion of the proposed irrigation plan shall include an estimation of any planned leaching to control soil salinity (i.e., leaching requirement).

## **GENERAL CONDITIONS**

### **G1. SIGNATORY REQUIREMENTS**

All applications, reports, or information submitted to the Department shall be signed as follows:

- A. All permit applications shall be signed by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by the person described above and is submitted to the Department at the time of authorization, and
  - 2. The authorization specifies either a named individual or any individual occupying a named position.
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

### **G2. RIGHT OF ENTRY**

Representatives of the Department shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state. Reasonable times shall include normal business hours; hours during which production, treatment, or discharge occurs; or times when the Department suspects a violation requiring immediate inspection. Representatives of the Department shall be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms

and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

### **G3. PERMIT ACTIONS**

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

### **G4. REPORTING A CAUSE FOR MODIFICATION**

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least 60 days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

### **G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least 180 days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

### **G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

### **G7. DUTY TO REAPPLY**

The Permittee must apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

**G8. PERMIT TRANSFER**

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A copy of the permit is provided to the new owner and;
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

**G9. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

**G10. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.